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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,315	10/23/2001	Hugh Semple Munro	740150/52050-C	9422

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EXAMINER

GOLLAMUDI, SHARMILA S

ART UNIT	PAPER NUMBER
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1616

DATE MAILED: 02/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/004,315

Applicant(s)

MUNRO ET AL.

Examiner

Sharmila S. Gollamudi

Art Unit

1616

-- Th MAILING DATE of this communication appears on the cov r sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2001 .
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☒ Claim(s) 39-41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____ .

DETAILED ACTION

Claims 1-41 are included in the prosecution of this application.

Information Disclosure Statement

FR 2783412 and EP 0283651 are not considered since the references are not accompanied by a translation or an English abstract.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5, 7-9, 12, 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Von Bittera et al (4,661,099).

Von Bittera et al discloses forming a gel containing polyisocyanate and dibutyltin dilaurate on a silicone coated paper. Then one side of a knitted fabric is applied to the gel film. The gel congeals after twenty minutes. (Example 1).

Claims 16-18, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Brassington et al (4,838,253).

Brassington teaches a silicone coated permeable wound dressing (Abstract). The substrate is an apertured material which is unoccluded by the gel (col. 5, lines 15-20).

*Note instant claims are product by process claims and even though product by process claims are limited by and defined by the process, determination of patentability is based on the product itself.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 12, 14, and 16-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 97/42985 in view of Jensen (5,133,821).

WO teaches a process of making a wound dressing wherein a layer of uncured gel mixture is placed on a plastic film, followed by applying a layer of foam material on the gel mixture with a roller, and then curing the mixture using heat (page 9, lines 1-12). The gel layer is a chemically cross-linked silicone gel (page 5). The gel coating does not clog the foam material and teaches the thickness of the gel mixture manipulates the amount of blockage (page 9, lines 24-25 and page 10, lines 20-27).

WO does not teach a coating on the plastic film (web) or instant web.

Jensen teaches a method of making wound dressing wherein the gel is placed between a release paper (coated web) and a substrate and extruded via a rolling process. Jensen teaches a release coating on one of its surfaces minimizes the friction generated during the rolling process. The reference teaches the preferred release web is silicone paper which is removed after the rolling process. (Note col. 3, lines 53-65). Jensen also teaches a protective release covering which is removed upon use (Figure 3, 32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a coated web in the method of making the wound dressing. One would be motivated to do so since Jensen teaches a release coating minimizes friction generated during the rolling process.

Claims 1-4, 7-10, 12-17, 24-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheong (5,352,508) in view of Jensen (5,133,821).

Cheong discloses a net wound dressing wherein a hydrophilic resin is coated on a substrate without occlusion (abstract). The resin is a polymerized hydrogel or crosslinked polyurethane resin (column 3). Suitable substrates are woven and non-woven materials such as polyamide, polypropylene, cotton, rayon, or wool (col. 5, lines 1-3). The amount of resin coated on the substrate is 25-300 g/m². The resin is applied to coating rollers and coated on to the substrate, which then undergoes heating to cure the resin (col. 5, lines 20-25 and example 5).

Cheong does not teach a coated web for the gel (resin).

Jensen teaches a method of making wound dressing wherein the gel is placed between a release paper (coated web) and a substrate and extruded via a rolling process. Jensen teaches a release coating on one of its surfaces minimizes the friction generated during the rolling process. The reference teaches the preferred release web is silicone paper which is removed after the rolling process. (Note col. 3, lines 53-65). Jensen also teaches a protective release covering which is removed upon use (Figure 3, 32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a coated web in the method of making the wound dressing. One would be motivated to do so since Jensen teaches a release coating minimizes friction generated during the rolling process and loss of the gel.

Claims 11 and 32-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheong (5,352,508) in view of Jensen (5,133,821) in further view of Kundel (5,674,346).

As set forth above, Cheong and Jensen teach wound dressings and a process of making the wound dressing.

The references do not teach a gel containing acrylate monomer.

Kundel teaches a hydrogel wound dressing. Kundel teaches conventional polymers such as acrylates that form the hydrogel (col. 4, lines 30-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Cheong and Kundel since both teach hydrophilic wound dressings and Kundel teaches the conventional use of acrylates. One would be motivated to do so with the expectation of similar results since Cheong also teaches a polymerized hydrogel.

Claim Objections

Claims 39-41 depend on rejected claims.

Allowable Subject Matter

Claims 39-41 contains allowable subject matter.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharmila S. Gollamudi whose telephone number is 703-305-2147. The examiner can normally be reached on M-F (7:30-4:30).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jose Dees can be reached on 703-308-4628. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3014 for regular communications and 703-305-3014 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 709-3080196.

SSG



January 31, 2003



MICHAEL G. HARTLEY
PRIMARY EXAMINER